

May 15, 2013

Michael Morisy  
MuckRock News  
DEPT MR 3378  
P.O. Box 55819  
Boston, MA 02205-5819

Re: FOIA Case No. 2013-FPRO-00504

Dear Mr. Morisy:

This responds to your Freedom of Information Act (FOIA) request dated March 12, 2013, and amended request dated March 26, 2013, which seeks access to copies of Postal Service records related to completed contracts with Booz Allen Hamilton generated between January 1, 2008 and March 26, 2013, maintained at Postal Service Headquarters, which have delivered a final report.

By way of background, the Post Office Department was reformulated as the United States Postal Service under the Postal Reorganization Act (PRA) of 1970 (39 U.S.C. § 101 et seq.). The Postal Service is an independent establishment of the executive branch of the federal government, and its Postmaster General is appointed by the Board of Governors, not the President of the United States. Our mission is to provide postal products and services, serving millions of customers daily at over 30,000 post offices. As a wholly government-owned entity, the Postal Service is not supported by tax dollars but by revenue generated through the sale of postal products and services.

Under the FOIA, 5 U.S.C. § 552, agencies are mandated to produce records responsive to a request, in accordance with statutory timeframes, subject to certain exemptions. The FOIA provides nine exemptions under which records or portions of records may be withheld from public disclosure. 5 U.S.C. §§ 552(b)(1) – (9).

Based on the type of records you have requested, a diligent search was conducted by responsible persons in the Supply Management organization. This search located 3 contracts between the United States Postal Service and Booz Allen Hamilton, Inc. Enclosed, please find copies of the identified contracts, including all subsequent contract modifications, and one final report. Of the 143 pages of responsive record material reviewed, 49 pages are released in their entirety, 25 pages are released with deletions pursuant to FOIA Exemptions 3, 4, and 6; and 69 pages have been withheld in their entirety pursuant to FOIA Exemptions 3 and 4. 5 U.S.C. §§ 552(b)(3), (b)(4), and (b)(6).

As noted above, the Postal Service is “an independent establishment of the executive branch” of the government, and is directed to conduct its operations in accordance with sound business principles. While it is generally subject to the requirements imposed by the FOIA, per 39 U.S.C. § 410(b)(1), subsection (c)(2) of section 410 provides that subsection (b)(1) does not require the disclosure of “information of a commercial nature, including trade secrets, whether or not obtained from a person outside the Postal Service, which under good business practice would not be publicly disclosed.” We consider that 39 U.S.C. § 410(c)(2) operates independently and as an exempting statute within the scope of Exemption 3 of the FOIA.

We have determined that certain information contained in responsive records is commercially sensitive, such as: unit pricing; labor rates; an estimated dollar amount; the supplier's Taxpayer Identification Number, remittance address and key personnel name; as well as decommitted funding amounts and internal finance and accounting numbers. These materials are being withheld pursuant to Exemptions 3 and 4. 5 U.S.C. §§ 552(b)(3) and (b)(4). FOIA Exemption 3 applies to information that is exempt from disclosure by another federal law, and is invoked in conjunction with 39 U.S.C. § 410(c)(2), the Postal Reorganization Act, which protects information of a commercial nature, which under good business practice would not be disclosed.

FOIA Exemption 4 permits agencies to withhold "trade secrets and commercial or financial information obtained from a person that is privileged or confidential", such as a supplier or customer. We consider that public release of commercially sensitive, proprietary business information could seriously impair the Postal Service's ability to obtain necessary information in the future; would likely also harm the supplier's competitive position; and, could detrimentally impair the relationship between the Postal Service and our supplier.

In addition, Postal Service business finance and accounting numbers have been withheld throughout the record material pursuant to FOIA Exemption 3, cited previously. Finance numbers are part of the Postal Service's internal accounting practices and we find that they constitute information of a commercial nature protectable under Exemption 3 and 39 U.S.C. § 410(c)(2).

Non-Postal e-mail addresses, contact names and telephone numbers as well as handwritten signatures have been excised from the record material pursuant to FOIA Exemption 6. 5 U.S.C. § 552(b)(6). FOIA Exemption 6 permits an agency to withhold all information about individuals in "personnel and medical files and similar files" when the disclosure of such information "would constitute a clearly unwarranted invasion of personal privacy."

In determining whether to release records that may be protected by Exemption 6, the agency must balance the privacy interests of the individuals involved against the public interest, if any, that would be served by disclosure. We do not consider that there is a public interest in the disclosure of this type of information sufficient to outweigh the privacy interests of the individuals involved. For the purposes of FOIA Exemption 6, the only public interest to be weighed is the extent to which disclosure would serve the "core purpose" of the FOIA, which is to contribute significantly to public understanding of the operations or activities of the government, or, in other words, to shed light on the conduct of government agencies. Releasing the above-described personal information of various individuals would not serve that purpose.

Withheld in full are 69 pages from the Final Report dated September 29, 2008. We have determined that the withheld pages contain commercially sensitive, proprietary business information that the Postal Service does not disclose to the public and is therefore protected by Exemption 3, in conjunction with 39 U.S.C. § 410(c)(2), and Exemption 4, as discussed above.

We wish to inform you that Supply Management's search efforts, of both electronic and hard copy files, did not locate a copy of the Statement of Work referenced in Contract Number 2APSER-08-C-0048 (Attachment No. 001, 4 pages). Additionally, we did not locate copies of final reports for Contract Numbers 2APSER-10-B-0025 and 2APSER-10-C-0053.

You have the right to appeal this response to your FOIA request by writing to the General Counsel, United States Postal Service, 475 L'Enfant Plaza SW, Room 6004, Washington DC 20260-1100, within 30 days of the date of this letter. The letter of appeal should include statements concerning this

response, the reasons why it is believed to be erroneous, and the relief sought, along with copies of the original request letter, this response letter, and any other related correspondence.

Thank you for your continued interest in the United States Postal Service.

Sincerely,

*Debra M. Pierce*

Debra M. Pierce  
FOIA Coordinator

Enclosures